



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

DCP:JPM/JPL/GMM  
F. #2012R01716

*271 Cadman Plaza East  
Brooklyn, New York 11201*

November 3, 2020

By ECF and Hand Delivery

The Honorable Nicholas G. Garaufis  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Och-Ziff Capital Management Group LLC  
Criminal Docket No. 16-516 (NGG)

Dear Judge Garaufis:

The government and the defendant Och-Ziff Capital Management Group LLC, which now operates under the name Sculptor Capital Management, respectfully submit this letter to advise the Court that the parties have agreed to voluntarily modify the term of the Deferred Prosecution Agreement (“DPA”) in the above-referenced matter. On January 23, 2020, the government and the defendant Och-Ziff Capital Management Group LLC entered into a First Amendment to the DPA. The parties now attach a Second Amendment to the DPA (the “Second Amendment”) which memorializes the parties’ agreement to revise the term of the DPA.

As the Court is aware, on September 29, 2016, the parties entered into the DPA. See ECF Dkt. No. 11, Court Exhibit 2: Deferred Prosecution Agreement dated Sept. 29, 2016. Concurrent with the filing of the DPA, the government filed a Criminal Information against the defendant. See ECF Dkt. No. 8. The government also commenced a related criminal case, United States v. OZ Africa Management GP, LLC, 16-CR-515 (NGG) (the “OZ Africa Matter”), against one of the defendant’s subsidiary companies.

Under the DPA, the defendant agreed to pay a criminal monetary penalty in the amount of \$213,055,689. The parties also agreed that if the Court imposed a fine as part of sentencing in the OZ Africa Matter, the amount of such a fine would be paid from the \$213,055,689 monetary penalty currently being held by the government in a suspense account. The DPA contemplates that the sentencing in the OZ Africa Matter would have occurred before the expiration of the DPA. The sentencing is scheduled for November 4, 2020.

The government and the defendant Och-Ziff Capital Management Group LLC are entering into the Second Amendment to the DPA in order to condition the expiration of the term of the DPA on the payment of restitution in the matter of OZ Africa Matter and the release of the monetary penalty from the suspense account. The Second Amendment provides that the term of the DPA shall end after the following conditions have been satisfied: (i) the Court enters final judgment, including an award of restitution to the identified victims (the “Restitution Award”), in the OZ Africa Matter; (ii) the defendant OZ Africa Management GP, LLC makes payment to the identified victims in full satisfaction of the Restitution Award; and (iii) the monetary penalty has been released from the suspense account to the United States Treasury within ten (10) days of the entry of the judgment in the matter of OZ Africa Matter.

The parties are available to supply any additional information the Court may require.

Respectfully submitted,

OCH-ZIFF CAPITAL MGMT.  
Defendant

SETH D. DuCHARME  
Acting United States Attorney

\_\_\_\_\_/s/  
Charles Gilman  
Anirudh Bansal  
Cahill Gordon & Reindel LLP  
Assistant U.S. Attorneys  
(212) 701-3207

\_\_\_\_\_/s/  
David C. Pitluck  
James P. McDonald  
Jonathan P. Lax  
(718) 254-7000

DANIEL S. KAHN  
Acting Chief, Fraud Section  
U.S. Dept. of Justice, Criminal Division

\_\_\_\_\_/s/  
Gerald M. Moody  
Trial Attorney  
(202) 616-4988

cc: Clerk of the Court (NGG) (by ECF)  
All Counsel of Record (by ECF)